

ORDINANCE NO. 96- 9

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ENACTING A "GARBAGE COLLECTION ORDINANCE", ESTABLISHING HOURS FOR PLACEMENT OF GARBAGE FOR PICKUP; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has determined that accumulation of garbage, waste, and trash, for lengthy periods of time before scheduled pick up by garbage collection, negatively impacts upon the health and welfare of the citizens of Palm Beach County; and

WHEREAS, an accumulation of garbage, waste, and trash attracts rodents and vermin and has a negative effect on the esthetics of an area; and

WHEREAS, the Board of County Commissioners has determined that the provisions of the Garbage Collection Ordinance contained herein are in the best interest of the citizens and will promote, protect, and improve the health, safety, and welfare of the citizens of Palm Beach County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Title.

This Ordinance shall be known and may be cited as the "Garbage Collection Ordinance of Palm Beach County, Florida."

Section 2. Definitions.

The following terms and phrases shall have the meanings set forth below, unless the context clearly indicates otherwise.

A. "Collection Point" shall mean the swale, parkway or area adjacent to the street, where the garbage is placed for collection. The collection point shall not include public walkways, sidewalks or streets.

B. "Garbage" shall mean refuse, rubbish, waste and trash from residential, commercial or industrial activities, including kitchen and table waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food; paper; cloth; plastics; discarded household goods and appliances; and similar materials. "Garbage" does not include yard trash, such as branches or clippings, that is customarily a product

1 of yard or garden tending.

2 C. "Refuse Containers" include garbage cans, trash cans,
3 recycling bins, crates, boxes, or other type of container used to
4 hold or contain garbage.

5 Section 3. Hours of Placement of Garbage for Collection.

6 A. Refuse containers for garbage shall be placed for collection
7 in accordance with the following:

8 1. All refuse containers shall be placed at the
9 collection point no earlier than 3:00 p.m. on the day
10 preceding the day upon which refuse collection is
11 customarily made.

12 2. Refuse containers shall be removed from the
13 collection point on the same day collection is made.

14 B. It is the responsibility of the property owner or occupant,
15 tenant, lessee or agent, to comply with these regulations.

16 C. Properties where refuse containers are confined to a
17 designated collection area and are secured from accidental
18 dislodging or disturbance are exempt, e.g. fenced areas typically
19 found on multi-family properties.

20 Section 4. Enforcement.

21 It shall be unlawful for any person to fail, neglect, or
22 refuse to comply with and abide by each provision of this
23 Ordinance. The performance on each day of any prohibited act or
24 practice, or the failure to perform on each day any required act or
25 practice shall constitute a separate offense and shall be
26 punishable as such.

27 Section 5. Notice of Violation of Ordinance.

28 Palm Beach County Code Enforcement Division shall be
29 responsible for notifying property owners or occupants of initial
30 violations of the Garbage Collection Ordinance. The Code
31 Enforcement Division shall provide notice to the property owner or
32 occupant for any garbage placed for collection in violation of this
33 Ordinance. The notice shall be written and posted on the door of
34 the dwelling and shall inform the occupant of the regulations
35 contained within the Garbage Collection Ordinance, the occupant's
36 violation of the regulations, and state that the occupant of the

1 premises must remove the garbage within a fixed number of hours or
2 days. The time allowed shall depend on the nature of the violation
3 and the time necessary to comply with the provisions of this
4 Ordinance. If the occupant fails to timely remove the garbage, or
5 if the occupant receives more than one such written notice by the
6 Code Enforcement Division, the Code Enforcement Division may cite
7 the owner or occupant for the alleged violation(s) of this
8 ordinance.

9 Section 6. Code Violation, Citation and Procedure.

10 The Code Enforcement Division, if warranted, may issue a
11 citation to the property owner or occupant for any violation(s) in
12 accordance with the process and procedure set forth in the Citation
13 System Ordinance of Palm Beach County, Florida (Ordinance No. 90-
14 45, as amended from time to time). Alternatively, the Code
15 Enforcement Division may issue a Notice of Violation and/or a
16 Notice of Hearing directing the violator to appear before the Palm
17 Beach County Code Enforcement Board, in accordance with Section
18 14.2 of the Palm Beach County Uniform Land Development Code.

19 Section 7. Applicability.

20 This Ordinance shall be applicable in the unincorporated areas
21 of Palm Beach County.

22 Section 8. Penalty.

23 Failure to comply with the requirements of this Ordinance
24 shall constitute a violation of this Ordinance. Violations of the
25 provisions of this Ordinance, upon conviction, shall be punished by
26 a fine not to exceed five hundred dollars (\$500) per violation, per
27 day, or by imprisonment in the County jail not to exceed sixty (60)
28 days, or both fine and imprisonment pursuant to the provisions of
29 Section 125.69, Florida Statutes. In addition to the sanctions
30 contained herein, the County may take any other appropriate legal
31 action, including, but not limited to, administrative action and
32 requests for temporary and permanent injunctions to enforce the
33 provisions of this Ordinance. It is the purpose of this Ordinance
34 to provide additional cumulative remedies.

35 Section 9. Repeal of Laws in Conflict.

36 All local laws and ordinances applying to the unincorporated
37 area of Palm Beach County in conflict with any provision of this
38 Ordinance are hereby repealed to the extent of any such conflict.

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By: [Signature]
Vice Chairman

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96.

BOARD OF COUNTY
PALM BEACH
COUNTY,
FLORIDA
JUL 20 1954

STATE OF FLORIDA, COUNTY OF PALM BEACH
DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on April 4, 1996
DATED at West Palm Beach, FL on 3-19-96
DOROTHY H. WILKEN, Clerk
By: Gloria Madison D.C.